

EXHIBIT 23

DECLARATION OF UNIVERSITY OF NEW HAMPSHIRE

I, Elizabeth Chilton, declare as follows:

1. I am the President at University of New Hampshire (UNH) in Durham, New Hampshire. I have held that position since July 2024. I previously served in leadership roles at other public universities, including Washington State University, Binghamton University (SUNY), and the University of Massachusetts Amherst.

2. I have knowledge of the contents of this declaration based on my review of information and records gathered by University of New Hampshire personnel and could testify thereto.

3. The University receives substantial annual funding from the National Science Foundation (“NSF”). Since 2020, UNH expenditures from NSF grants and cooperative agreements were more than \$90.7 million. In our fiscal year 2024, we held 140 grants and cooperative agreements, with total expenditures of \$20.6 million including \$4.86 million in F&A from NSF grants and cooperative agreements.

4. As a public research and land grant institution, faculty and staff intend to apply for new funding awards, and/or renewals and continuations of existing funding awards, in the next year and many years to come.

5. The funding UNH receives from NSF supports critical basic and applied research that is vital to our nation’s security and often has significant benefits for American businesses, workforce training, and community needs. Millions of Americans benefit from and depend on this research. For example:

- a. UNH leads New Hampshire’s NSF EPSCoR program, which advances the state’s research competitiveness in science and engineering by strategically

investing in university research infrastructure, promoting STEM education, and fostering research partnerships with technology-based businesses. A recently concluded biomaterials project resulted in seven awarded patents, 161 publications, and trained 205 students and postdoctoral researchers. One of those students has now launched her own company to focus on creating better biomaterials for pelvic reconstruction surgery. Another active EPSCoR project has developed a device that continuously monitors insulin levels and is crucial for both the biomanufacturing industry and diabetes management.

- b. UNH computer science, computer engineering, and health science researchers are advancing robotics and smart home technologies to drive digital health innovations. One project is developing algorithms that can enable robots to learn tasks from demonstrations of end-users who have no knowledge about robotics or programming, advancing adoption of learning-enabled assistive robots to address a range of societal needs, including disabled and aging-in-place communities.
- c. UNH engineers are leading national in-space manufacturing efforts to explore how existing resources in space, such as metallic space debris and lunar regolith, can be used to manufacture products for use in space and reduce the supply from Earth.
- d. UNH researchers are partnering with Arctic communities to improve preparedness and response to future earthquakes, including directly working with communities to provide them with the necessary training and tools to

manage future earthquake-related disasters including planning, mitigation, and recovery.

6. Reimbursement of University of New Hampshire's indirect costs is essential for supporting this research. NSF's cutting of indirect cost rates to 15% would preclude carrying out the kinds of research projects described in paragraph 5 in the future.

7. Indirect costs allow us to maintaining state-of-the-art laboratories and other research facilities (e.g., the University Instrumentation Center, Chase Ocean Engineering Laboratory, Jackson Marine Estuarine Laboratory, the Olson Center for Advanced Manufacturing, Flow Physics Lab, etc.); they are also critical to meeting the technical requirements of advanced research and procurement and maintenance of equipment necessary to conduct such research, such as specialized testing environments, precision instrumentation, and laboratory safety systems. Without this critical infrastructure, we simply cannot conduct this level or type of research.

8. For example, with respect to the areas of research described in Paragraph 5:

- a. EPSCoR creates opportunities for students and researchers from across the state, including those at community colleges and primarily undergraduate institutions, to gain essential hands-on training in cutting-edge facilities like the UNH University Instrumentation Center that are not available to them otherwise, allowing these students to compete for high-skill jobs and enter emerging technology fields.
- b. Robots and smart home technologies utilize a robot repository, assistive robotics laboratory, and a biomechanics and motor control laboratory at UNH, providing over 4,000 square feet of space equipped with robots and equipment required for human movement analysis including a 13 camera Qualysis motion

capture system, force plate and amplifier, instrumented treadmill, dynamometer, electroencephalography system, and micro accelerometers.

- c. In-space manufacturing utilizes the John Olson Advanced Manufacturing Center, a 20,000 sq. ft. facility that is focused on advanced manufacturing technologies. The Olson Center provides a cross-curricular approach to manufacturing concepts that supports hands-on, interdisciplinary learning opportunities in a factory environment and collaborates with industry to: (1) modernize traditional manufacturing technologies; (2) advance and create new high-efficiency, state-of-the-art materials and technologies; (3) address the skills gap in US manufacturing; and (4) serve as a conduit for students and industry to the next-generation of manufacturing technologies.
- d. Earthquake research is supported by a Centrifuge Laboratory, Geotechnical Laboratory, Soils Laboratory, and specialized computer cluster. Particularly relevant instrumentation includes a 5 g-ton Genisco centrifuge for seismic soil models, slope stability evaluation, seepage mechanisms and contaminant transport studies, and soil-structure interaction problems; and an inflight hydraulic shake table to study the response of geotechnical systems under earthquake loads. The labs are equipped with advanced measurement sensors including linear variable differential transformers, accelerometers, pore water pressure sensors, moisture content probes, and cameras.

9. Physical facilities costs are one of the largest components of indirect costs. This includes not only the usual costs of constructing and maintaining buildings where research occurs, but the very high costs of outfitting and maintaining specialized laboratory space, which can

require special security, advanced HVAC systems, and specialized plumbing, electrical systems and waste management, as well as specialized laboratory equipment. The features and amount of space available to researchers have a direct and profound impact on the nature and amount of research that can be done at the University.

10. In addition, indirect costs fund the administration of awards, including staff who ensure compliance with a vast number of regulatory and safety requirements from agencies such as NSF. These mandates serve many important functions, including ensuring research integrity; protecting research subjects; properly managing and disposing of chemical and biological agents and other materials used in research; managing specialized procurement and security requirements for sensitive research; managing funds; preventing technologies and other sensitive national security information from being inappropriately accessed by foreign adversaries; providing the high level of cybersecurity, data storage, and computing environments mandated for regulated data; ensuring compliance with specialized security protocols and safety standards; maintaining facility accreditation and equipment calibration to meet research quality and security standards; and preventing financial conflicts of interest.

11. Recovery of the University's indirect costs is based on predetermined rates that have been contractually negotiated with the federal government.

12. Through fiscal year 2029, the predetermined indirect cost rates are 53.5% (research rate – on campus), 26% (off-campus rate), 37% (other sponsored programs), and 56.9% (instruction) for the University of New Hampshire.

13. The effects of a reduction in the indirect cost rate to 15% would be devastating to our research mission, our ability to recruit and train students, and to continue to contribute to society. Of the \$90.7 million in NSF funding that the University of New Hampshire received

between FY 2020 and FY 2024, \$22.3 million consisted of reimbursement of indirect costs. In fiscal year 2025, University of New Hampshire expects to receive \$9.1 million in modified total direct costs (eligible for F&A) in NSF funding. Based on the predetermined indirect cost rate of 53.5%, which was agreed upon by the federal government as of 7/1/24 and applying that rate to the direct costs (as modified pursuant to the CFR), University of New Hampshire reasonably expects to receive approximately \$4.9 million in indirect cost recovery in FY2025.

14. If—contrary to what University of New Hampshire has negotiated with the federal government—the indirect cost rate was reduced to 15% for new awards, that would significantly reduce the University of New Hampshire’s anticipated annual indirect cost recovery. For example, applying the 15% rate to the anticipated modified total direct costs over the next five years, the University’s anticipated annual indirect cost recovery would be reduced by \$3.5 million per year, to \$1.4 million per year, and reduced by \$17.5 million over five years.

15. UNH has been notified of one award and would likely not be able to accept it at a 15% indirect rate, simply because there are no other sources of funds to cover the indirect costs of that research. Also, UNH is leading a \$10M, 5-yr. multi-institutional Science and Technology Center (STC) proposal that is due June 2. Collaborating partner institutions have already indicated that they are unlikely to continue the project with an immediate reduction of F&A to 15%. Without our partners, we will not be able to submit this proposal, and we would stand to lose approximately \$3M in indirect costs over the lifetime of the grant.

16. The University of New Hampshire has for decades relied on the payment of indirect costs to carry out its research mission. And until now, we have been able to rely on the well-established process for negotiating indirect cost rates with the government to inform our budgeting and planning. Operating budgets rely on an estimate of both direct and indirect sponsored funding

to plan for annual staffing needs (*e.g.*, post-docs, PhD students, and other research staff), infrastructure support (*e.g.*, IT networks, regulatory compliance, and grant management support), and facility and equipment purchases. And in some cases, University of New Hampshire has long-term obligations—for example, tenured faculty salaries and admitted graduate students—and it relies on budgeted grant funding, including associated indirect cost recovery, to fulfill these commitments. This multi-year budgeting process also assumes the availability or possibility of grant renewals at roughly similar terms – and certainly at the negotiated indirect cost rate – as had been previously available.

17. In addition to the immediate effects and reliance interests described above, dramatically cutting indirect cost reimbursement would have longer-term effects that are both cumulative and cascading. The reduction would decrease our ability to administer grants and support critical research security and safety needs, and staff and maintain core facilities and laboratory infrastructure.

18. Disruptions to University of New Hampshire’s research will also have negative effects in the Strafford County area, the state of New Hampshire, and the broader region. In 2025, 2,458 residents of New Hampshire, 149 residents of Massachusetts, and 151 residents of Maine are directly employed by University of New Hampshire—and it collaborates with state and local partners to help solve regional challenges through joint research and innovation. University of New Hampshire’s research also fuels spending in the regional economy, including by driving discoveries that launch new ventures, attract private investment, and make a positive social impact. A massive reduction in University of New Hampshire’s research budget would immediately and seriously jeopardize these contributions to the local region.

19. Finally, slowdowns or halts in research by University of New Hampshire and other American universities will allow competitor nations that are maintaining their investments in research to surpass the United States on this front, threatening both our Nation's national security and its economic dominance.

20. University of New Hampshire cannot cover the funding gap itself. While University of New Hampshire maintains an endowment, it is neither feasible nor sustainable for University of New Hampshire to use endowment funds or other revenue sources to offset shortfalls in indirect cost recovery:

- a. The majority of the University of New Hampshire's endowment—around 91%—is restricted to specific donor-designated purposes, such as scholarships, faculty appointments, and academic programs. The University of New Hampshire is not legally permitted to use those funds to cover research infrastructure costs.
- b. Even the portion of the endowment that is unrestricted is subject to a carefully managed annual payout, typically around 4.25%, to ensure long-term financial stability for the institution.

22. It is also not feasible or sustainable for the University of New Hampshire to use other revenue sources to offset shortfalls in indirect cost recovery. As a non-profit and tuition-dependent institution, the University of New Hampshire reinvests nearly all of its revenue into mission-critical activities, leaving little margin to absorb unexpected funding gaps. In other words, unlike for-profit organizations, the University does not generate significant surpluses that could be redirected without impacting core academic priorities such as educational programs and financial aid support for students. Absorbing the cost of a lower indirect cost rate, even if it were possible,

would create long-term budget pressures on the University—which would in turn force reductions in key investments supporting the University of New Hampshire’s faculty, students, staff, research, and teaching infrastructure, as well as other critical activities needed to maintain the University of New Hampshire’s academic excellence. Thus, even if the University of New Hampshire could “cover” some of the indirect costs previously funded by NSF, it could do so only by negatively affecting other critical goals central to the institution’s mission.

23. If the University of New Hampshire can no longer apply for NSF grants because it is unable to accept the new indirect cost rate cap – a risk that would impact nearly 100% of our NSF grants – the harms described herein would be exacerbated. That greater loss in funding from NSF would mean more significant cost-cutting measures would need to be adopted—and quickly. The University of New Hampshire cannot “float” all of the indirect costs it would likely lose coverage for – nor could it float NSF grants altogether if it is not able to accept the 15% cap. Thus, some research projects would need to be terminated altogether, and others would need to be scaled down or pared back significantly. The process of identifying these cuts would need to begin immediately, and layoffs, closures, and research pauses or contractions would follow soon thereafter. Cutting back on the University of New Hampshire’s research in fields such as STEM workforce development, robotics and home healthcare, in-space manufacturing, and geotectonics would also have long-term implications on national security and the American economy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2025, at Durham, New Hampshire.



Elizabeth S. Chilton
President